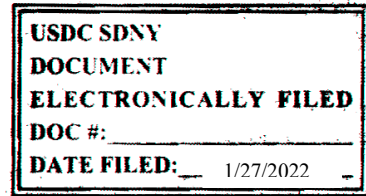


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ALTAGRACIA SANTANA, et al.,

Plaintiffs,

21-CV-08724 (PGG)(SN)

-against-

ORDER

PETER GRAVAGNA, et al.,

Defendants.
-----X

SARAH NETBURN, United States Magistrate Judge:

The Court held an initial case management conference on January 26, 2022. The Court failed to mail the scheduling order to pro se defendant Bia, and his absence is therefore excused. At the conference, the Court discussed the numerous motions that have been filed and sought to give guidance to the pro se plaintiffs.

Representation of Gravagna Defendants. The record is unclear as to who represents Peter Gravagna, and whether any counsel represents Gus Gravagna and Justin J. Gravagna. Compare ECF No. 52 (Answer filed on behalf of “Peter Gravagna s/h/a Peter Gravagna a/k/a Peter Kreatsoulas,” Justin J. Gravagna, and others by Alan M. Davis, Esq.) with ECF No. 48 (Letter filed by Marvin N. Romero, Esq., indicating that Peter Gravagna and Peter Kreatsoulas are “two different individuals,” and he represents “Peter Kreatsoulas”). The docket sheet, however, reflects that “Peter Gravagna also known as Peter Kreastouslas” is represented by Marvin Nelson Romero, and he has filed a motion to dismiss on behalf of this person(s). No lawyer appears on the docket sheet on behalf of Gus Gravagna or Justin J. Gravagna.

Accordingly, Counsel Alan Davis and Marvin Romero, along with Plaintiffs, must discuss (1) whether Peter Gravagna and Peter Kreastouslas (or Kreatsoulas) are the same person or two different people; (2) whether the Plaintiffs intend to sue Peter Gravagna or Peter Kreastouslas (or Kreatsoulas) or both; and (3) who represents Peter Gravagna and Peter Kreastouslas (or Kreatsoulas). The parties shall file a clear stipulation on this matter no later than February 4, 2022.

Motions. Several motions are pending.

- 1) Defendant Cubesmart has filed a motion to dismiss. ECF No. 38 (the “Cubesmart motion”);
- 2) Defendants 217 L.L.C., “Peter Kreatouslas i/s/h/a Peter Gravagna aka ‘Peter Kreastouslas,’” Maria Gonzalez, Costas Kreatsoulas, Doria Kreatsoulas, and Johanna Kreatsoulas have filed a motion to dismiss. ECF No. 50 (the “217 L.L.C. motion”);
- 3) Defendants Hertz Cherson & Rosenthal, P.C., Janet Goldstein, Steven Hertz, Michael Taylor, Orquieda Rivera, and Heath Tygar have filed a motion for summary judgment. ECF No. 64 (the “HCR motion”).

In addition, Attorney Alan Davis is granted leave on behalf of Defendant Petina Moving and Storage L.L.C. to file a motion for judgment on the pleadings no later than February 25, 2022 (the “Petina Moving motion”). At the January 26 conference, Attorney Davis stated that this motion would also be brought on behalf of “the Gravagnas.” As discussed above, it is unclear whether Attorney Davis represents Peter Gravagna or any other “Gravagna Defendant.” He has not filed an answer or appearance on behalf of Gus Gravagna; he has filed an answer on behalf of Justin Gravagna but his appearance is not noted on the docket.

Plaintiffs are ORDERED to file one consolidated response to the Cubesmart motion, the 217 L.L.C. motion, and the Petina Moving motion. That opposition brief is due March 25, 2022, and may not exceed forty (40) pages. Defendants’ individual replies, if any, may not exceed ten (10) pages and are due no later than April 1, 2022.

Plaintiffs are ORDERED to file one response to the HRC motion. That opposition brief is due no later than March 11, 2022, and may not exceed twenty-five (25) pages. The HRC Defendants' reply, if any, may not exceed ten (10) pages and is due no later than March 18, 2022.

Pro Bono Application and Pro Se Status. As discussed on the record, Plaintiffs' motion for pro bono counsel is DENIED without prejudice. Plaintiffs are encouraged to contact the NYLAG Legal Clinic for Pro Se Litigants regarding the pending motions. Information about the Clinic is available at <https://www.nysd.uscourts.gov/attorney/legal-assistance>. Plaintiffs and pro se defendant Marshal Thomas Bia are encouraged to consent to receive electronic notifications of ECF filings.

Representation of Defendant "Javis" and Justin J. Gavagna. Attorney Marvin Romero has filed a motion to dismiss on behalf of "Javi Mojica i/s/h/a Javis," and others. See ECF No. 50. Accordingly, the Clerk of Court is respectfully requested to note Attorney Marvin Romero's appearance on the docket for "Javis (Last Name Unknown)."

Separately, Attorney Alan Davis has filed an answer on behalf of Justin J. Gravagna. See ECF No. 52. Accordingly, the Clerk of Court is respectfully requested to note Attorney Alan Davis's appearance on the docket for Justin J. Gravagna.


Defaulting Defendants. It appears that, at a minimum, defendants Gus Gravagna, Angel Romero Matias, and Alan Bernstein have defaulted. See ECF No. 48 (Letter filed by Marvin N. Romero, Esq., indicating that he will *not* be representing Gus Gravagna, Angel Romero Matias, and Alan Bernstein). Plaintiffs may make an application to the Clerk of Court to seek a Certificate of Default for any defendant that was properly served and has not appeared.

Discovery. All discovery in this case is STAYED pending further order of the Court.

CONCLUSION

The Clerk of Court is respectfully directed to deny the motion at ECF No. 65, note Attorney Marvin Romero's appearance on the docket for "Javis (Last Name Unknown)," and note Attorney Alan Davis's appearance on the docket for Justin J. Gravagna. The Clerk of further requested to mail this order and an application to receive electronic notifications of ECF filings to the pro se Plaintiffs and pro se Defendant Bia.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: January 27, 2022
New York, New York